



# TRANSPARENCY INTERNATIONAL INDIA

*Quarterly*

## EDITORIAL

### The Colonial Cousins

What is common between the British colonizers and the neo-colonists who are Indians by citizenship and colonial in action? Exploitation. The colonial power was accused of draining the host country of the natural resources thus filling their coffers, enriching their industry by finding cheap raw material, and sending the manufactured goods to the subject country. But one of the contributions of the colonial power was the introduction of enlightenment ethos that influenced the Indian renaissance captured by Tagore, Sri Aurobindo, and Gandhi. The others were democracy, bureaucratic setup, judicial system, all a contrast to sectarian, personalized, and arbitrary systems of administration that prevailed in pre-British times.

The neo-colonizers are indulging in the same game but with a difference. Their contribution is creation of a new value system valorized in the construction of black money/economy, keeping the same in foreign banks thus fleecing the country of the taxes due, concentrating wealth by keeping huge margins, escalation of greed symbolized in scams, usurping the rights of the poor, the destitute, the underprivileged, exploitation of natural resources thus denuding the nation of natural wealth, polluting the environment, etc. The British gave the Forest Act to protect green wealth, we turned it upside down by making criminals of forest people. They protected the environment, neo-colonizers are busy on a rampage spree. They had a purer notion of democracy, the new stick to status at any cost. They provided institutions, the new one is out to distort by subjugating these to his personal interest.

Both are colonial cousins with a distinction. One was benevolent, the other is malevolent. One was civilized, the other crosses the limits of civility evident in the spectacular happenings in houses of legislature, blatant violation of norms, impunity at large scale, and sovereignty of personal self-interest. Their heroes were prosecuted, our leaders are innocent till proved guilty which never happens as there is a sieve of stifling legalese, adjournments, interlocutory litigation, legal ramblings, money power that silences the witnesses, the factor of time that makes one forget and forgive, and the patronage that can be distributed to the weak minds.

Having secured independence from the rapacious colonizers, it is time to seek emancipation from the neo-colonizers by reining them in with instruments of law like forfeiture of property derived by corrupt means, preventing criminals from entering the houses of legislature; ratification of United Nations Convention Against Corruption (UNCAC); strengthening institutions for independent functioning; and creating an atmosphere in which people play an activist role, seek transparency, clamor for integrity in normal life, and hold the government to account.

### Integrity Pact

TI India has published a booklet, titled "Implementation of Integrity Pact in India", containing the deliberations of the National Workshop, held on January 23 in Delhi, and its follow-up, including frequently asked questions (FAQs), all relevant circulars issued by the CVC, Department of Personnel & Training, and the Ministry of Defence. A few public sector undertakings are awaiting the appointment of independent external monitors by the Central Vigilance Commission after which MoU would be signed with TI India.

Lt. Col. Dharmadhikary and Ashutosh participated in a Bidder Meet, organized by Telecommunication Consultants India Limited.

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Ashutosh Mishra participated in a national workshop on “Corporate Accountability” organized by PAIRVI, on 30 June 2010.

### **TIAP Regional Meeting**

Prior to the TI’s Asia Pacific Regional Meeting and as part of the outreach program, a panel discussion on “Confronting the poverty and corruption nexus” was held at India International Centre, New Delhi, on 3 May. While welcoming the delegates, P.S. Bawa, Chair TI India, set the tone for discussions. He mentioned that many countries, including India, channeled increasing resources into poverty reduction, yet meaningful results remained elusive.

The reality that corruption punished poor the most was echoed throughout the evening. Pascal Fabie, Director, TI Asia Pacific Regional, underscored that the marginalized and disadvantaged are on the receiving end of poverty, he called for initiatives to stop working *on* the poor and to begin working *with* them.

Compelling evidence was provided by Iftekhar Zaman, Executive Director, TI Bangladesh, who reiterated that by empowering and mobilizing citizens to know their rights and hold authorities to account tangible improvements could be achieved, especially in basic services as accessing public healthcare or education.

Quoting India’s national motto “truth shall prevail”, Bharat Wakhlu, Resident Director, Tata group, emphasized how acting with integrity was responsibility of all. He also demanded ethical standards from leaders and recommended that these ought to be inculcated.

Harsh Mander, Supreme Court’s Food Commissioner to oversee the government’s efforts to provide food for all, observed that for people living on less than US \$2 a day, petty bribery could make a difference between life with dignity and death. Thus corruption had a destructive effect on the poor. He advocated importance of involving common people in social audits that empowered them to demand their rights and entitlements.

### **Conference at Manesar**

The TI’s Asia Pacific Regional Program Meeting was held at Manesar, Haryana, on 4<sup>th</sup>-6<sup>th</sup> May. It was attended by 51 delegates from 19 countries of the region. Discussions were held

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on performance of national chapters, policy and research updates, CPI review, issues related to chapter formation, accreditation and reaccreditation of new chapters, functioning of TI-S and support provided by them to national chapters, working on youth and education, experience sharing with the private sector, improving integrity in public procurement, increasing access to information, etc.

TI India was represented by U S Pandey, Executive Director Anupama Jha , Director Vineeta Singh, and Ashutosh. The participants were specifically informed about achievements under RTI Act, Integrity Pact, and the grassroot project ‘Pahal’.

### **Regional Workshop in Patna**

TII organized a state-level workshop on the topic, ‘Rebuilding Trust & Credibility: Performance and Delivery of Government Programs’ in Patna on 21st April and attended by senior bureaucrats, media, NGOs, lawyers, RTI activists, academicians and students. It was widely covered by the media.

### **Passbook of BPL Entitlements**

TII released a pamphlet detailing Below Poverty Line entitlements under various Central Government schemes to create awareness among villagers, particularly from Jharkhand, Chhattisgarh and Bihar so that they could approach the authorities and derive their due.

### **Exchange Tour**

The team of PRADAN, Hazaribagh District Program Executive, Ms. Sarbani Bose, and SHG federation members visited Bilaspur on April 11-12 to study TII’s governance work and exchange the experiences from their Self-Help Group movement, income generation and women’s empowerment initiatives of PRADAN in Jharkhand. They had interaction with TI-I Chhattisgarh team.

### **Evaluation of TI-I’s Grassroots Work**

An evaluation of the grassroots work of TI India was carried out by Sushil Raj, Senior Consultant, Asia Foundation, Vineeta Singh, *Pahal* Project Director, Zahidul Islam, TI Bangladesh representative, Prateek Pandey, TII’s State Coordinator, Chhattisgarh, and Sonmani Bora, District Collector, Bilaspur. The team visited the *Pahal* Project areas in Bilaspur from 15-17<sup>th</sup> May. One of the extra-ordinary findings was the

change in the village leadership in the TII's Model Gram Panchayat Mochh through the use of social mobilization tools, including development pacts during the panchayat election. Here, the empowered villagers voted out the decades old rule of Sarpanches belonging to the dominating Sinhraul caste and changed the whole power equation in the favour of a female tribal leader. With the efforts of an informed and empowered electorate, the Gram Panchayat has seen a whole new dimension of development-oriented local politics.

### **Experience Sharing on Development Pact**

The Project Director shared experiences of the grassroots work at the 'International Workshop on Development Pact' at the Fred Korpset Norway's Program Workshop in Dhaka in April. A joint strategy for implementing Development Pact was developed by South Asian TI Chapters.

### **Board of Management Meeting**

During its meeting held on 26 June, TI India's Board of Management reviewed the progress of its various programmes, including the integrity pact, development pact, project Pahal, and Asia-Pacific Regional Meeting in Manesar in May. Thereafter, it accepted the recommendations of the Active Membership Screening Committee, and considered membership applications. Shri A C Talwani was unanimously declared as Vice Chairman, a position vacated after Shri P S Bawa's election as Chairman in March.

### **Study on Indian Bureaucracy**

A survey on expatriate business executives, conducted by the Hong Kong-based Political and Economic Risk Consultancy (PERC), has classified India having the most inefficient bureaucracy among the 12 countries in Asia. Efforts to reform and revitalize the bureaucracy have been ineffective because 'the civil service is a power centre in its own right'. The study noted that dealing with India's bureaucracy 'can be one of the most frustrating experiences for any Indian, let alone a foreign investor'.

The ranking is based on a scale from one to ten. A score of 10 indicates the worst. India scored 9.41, followed by Indonesia (8.59), the Philippines (8.37), Vietnam (8.13) and China (7.93). As per the survey, Singapore and Hong Kong with scores of 2.53 and 3.49, respectively, have the most efficient bureaucracies. Other

countries ranked are Malaysia (6.97), Taiwan (6.6), Japan (6.57), South Korea (6.13) and Thailand (5.53). PERC noted that bureaucracies in some Asian countries have become power centers allowing them to effectively resist efforts toward reforms.

### **Supreme Court Decision**

The Supreme Court in its judgment on May 19, ruled that the corrupt government officials should be sacked. A public official, who indulges in financial misdemeanor, should not be allowed to continue in service even as a Class IV employee. 'The relationship between a public servant and the public is that of trust. An instance of financial misdemeanor, even if it is of Re 1, the relationship of trust should be severed,' a Bench of Justices G S Singhvi and C K Prasad observed this while hearing a plea filed by the Puducherry Government against a former state consumer commission chief whose services were terminated for alleged irregularities. These observations were made by the Supreme Court after the Madras High Court had exonerated the commission chief of charges. The Bench has referred the matter back to the High Court with a direction for it to take a fresh look at the case. (*The Indian Express*; 20 May 2010)

### **Bombay High Court Decision**

In another important order, Bombay High Court Justice AB Chaudhari proposed a tougher law to punish corrupt officials. He has recommended changes in the Prevention of Corruption Act to provide for a maximum punishment of life imprisonment for criminal offences committed by government officials. Justice Chaudhari, remarked 'Looking at the upsurge in the cancer of corruption in the country, the only way to have deterrence is now to provide life imprisonment in the Prevention of Corruption Act'.

A petition was filed by Akola municipal commissioner who had urged the court to quash a criminal complaint against him. The petitioner had deposited Rs. 1.30 crores in the Vidharba Urban Cooperative Bank. A month later, the bank shut down. A case was registered with the intervention of a judicial court after a private complaint was lodged. Even though the municipal commissioner claimed that he had followed rules yet the court refused to accept pointing out that Vidharba Bank was not in the

list of banks in which the commissioner was allowed to deposit public funds. Dismissing his plea, the HC asked the police to investigate the alleged fraud.

The court further asked the Centre to have a relook at the procedures where offences under IPC involving criminal breach of trust committed by a public servant (Section 409) are tried by the magistrate's court. Since the magistrate cannot award a prison term of more than three years, the HC has proposed that such matters be tried by the court of sessions which has the powers to award life imprisonment.

### Central & Eastern UP Chapter Activities

- Monitoring action of the Government of Uttar Pradesh on recommendations of U P Lokayukta.
- Review of the repeated transfers of police officers, contrary to the decision of the Supreme Court.
- Hindi Version of Citizens Charter for Subordinate Judiciary of UP is under preparation.
- Chairman presided over a seminar on RTI Act organized by Action Group for Right to Information (AGPRI) held on 11th April.
- Chairman's articles on RTI were published in the Hindustan Times (Lucknow).
- Shri U.S.Pandey, Secretary, addressed Trainee Officers of Railway Staff College, Baroda, on 'Ethics in Management', in April 2010.

The Chapter also conducted a discreet survey of functioning of Subordinate Civil Courts in one of the important cities in UP. It was found that the several courts were not in position from 10.30 to 11 AM. The cause list was not displayed. The register of daily cases was also not available in some of the courts. The peons were not found in uniform. None of the officials in copying and record room displayed photo identity card. The survey also found inadequacies in the infrastructure, especially with reference to toilets, drinking water, and general cleanliness. The observations have been brought to the notice of the Allahabad High Court.

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